

Our reference: CIT FOI 2025–010(5)

By email: [REDACTED]

DECISION ON YOUR ACCESS APPLICATION – CIT FOI 2025–010(5)

I refer to your access application made under the *Freedom of Information Act 2016* (FOI Act) received by Canberra Institute of Technology (CIT) on 15 October 2025.

Your application sought access to the following:

“All information regarding the total expenses incurred by CIT as a result of Think Garden's litigation against CIT, including damages and costs paid to Think Garden.”

On 25 November 2025, I wrote to you to advise of my intention to refuse to deal with your access application. The notice explained that your application sought access to information that is taken to be contrary to the public interest to disclose under Schedule 1 of the FOI Act, specifically information subject to legal professional privilege.

On 9 December 2025, you contacted CIT regarding your application. In response, CIT wrote to you on 16 December 2025, reiterating the reasons for the proposed refusal and providing further assistance to support you to amend the scope of your request. To assist you, CIT referred you to relevant publicly available information contained in the 2024 CIT Annual Report (pages 103 and 169) and suggested ways in which the scope of your request could be narrowed, such as limiting the request to aggregated or publicly reported expenditure. You were invited to submit a revised scope by 16 January 2026. No amended application or revised scope was received by that date.

Authority

I am a Senior Executive officer appointed as a CIT Information Officer to make decisions about access to government information, in accordance with Section 18 of the FOI Act.

Timeframes

In accordance with Section 40 of the FOI Act, CIT is required to provide a decision on your access application within 30 working days unless otherwise provided for under the Act. No response was received during the consultation period following the notice of intention to refuse

Decision

Pursuant to section 43(1)(e) of the FOI Act, I have decided to refuse to deal with your access application.

Your application relates to government information that is taken to be contrary to the public interest to disclose under Schedule 1 of the FOI Act. In particular, the information sought comprises legal

costs, invoices, and related records arising from litigation, which are subject to legal professional privilege.

Charges

You have not been charged for this request.

Disclosure Log

Section 28 of the FOI Act requires publication of access applications and any information subsequently released on CIT's disclosure log at:

[https://cit.edu.au/about/freedom of information/disclosure log](https://cit.edu.au/about/freedom-of-information/disclosure-log).

Review Rights

You may apply to the ACT Ombudsman to review my decision under Section 73 of the FOI Act. An application for review must be made in writing within 20 days of the date of my decision.

You may submit a request for review of my decision to the ACT Ombudsman by writing in one of the following ways:

Email (preferred): actfoi@ombudsman.gov.au

Post: The ACT Ombudsman

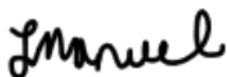
GPO Box 442

CANBERRA ACT 2601

More information about ACT Ombudsman review is available on the ACT Ombudsman website at:

<http://www.ombudsman.act.gov.au/improving-the-act/freedom-of-information>.

Yours sincerely

**Tania Manuel**

Executive Branch Manager, Policy and Governance

Canberra Institute of Technology

18 March 2026